

04.9. 2024
item No.27
n.b.
ct. no.24

WPA 25199 of 2023

**with
CAN 1 of 2024**

**Md. Lukman Ali
Vs.
State of West Bengal & Ors.**

Mr. Shuvro P. Lahiri
Md. Habibur Rahaman
.....for the respondent no.6
Mr. Suman Sengupta
Mr. Sambuddha Dutta
.....for the State

In Re. CAN 1 of 2024

This is an application for recalling of the order dated August 6, 2024 passed by this Court in WPA 25199 of 2023.

Learned counsel for the petitioner submits that he missed the list on August 6, 2024 and later on he came to know that the writ petition was dismissed for default. He submits that there are no intentional latches on behalf of the petitioner to proceed with this matter. So, the order of dismissed be recalled and set aside.

Mr. Suman Sengupta, learned counsel appears on behalf of the State raised vehement objection and submits that the practice of the present petitioner for not proceeding properly has to be taken note of and the reasons, demonstrated as assigned in the petition itself, are not convincing.

He prayed for dismissal of the application.

Heard the learned advocates appearing on behalf of the parties, peruse the grounds on the petition. It appears the petitioner himself has no latches to proceed with this matter.

Considering the same, petitioner deserves a favourable order. CAN 1 of 2024 is disposed of with a direction that of this Court passed on August 6, 2024 is hereby recalled. The writ petition being no. WPA 25199 of 2023 is hereby restored to its original file and number.

The petitioner is directed to serve notice upon the respondent regarding the restoration of the writ petition.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)